



City of
KINGSTON

Special Meeting of Council Minutes

Monday, 3rd March 2014

**City of Kingston
Special Meeting of Council**

Minutes

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	<i>[Note that any Conflicts of Interest need to be formally declared at the start of the meeting and immediately prior to the item being considered – type and nature of interest is required to be disclosed – if disclosed in writing to the CEO prior to the meeting only the type of interest needs to be disclosed prior to the item being considered.]</i>	
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The meeting commenced at 7.06pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

Present: Cr Paul Peulich (Mayor)
Cr Tamara Barth
Cr Tamsin Bearsley
Cr Ron Brownlees
Cr David Eden
Cr Geoff Gledhill
Cr John Ronke
Cr Steve Staikos
Cr Rosemary West OAM

In Attendance: Paul Franklin – Acting Chief Executive Officer
Mauro Bolin – General Manager Community Sustainability
Rachel Hornsby – General Manager Environmental Sustainability
Anthony Basford – Acting General Manager Organisational Development and Governance
Julian Harvey – Acting General Manager Corporate Services
Ian Nice – Manager City Development
Jonathan Guttman – Manager City Strategy
Megan O’Halloran – Manager Communications & Community Relations
Stephanie O’Gorman – Governance Officer
Angela Granter – Governance Officer

1. Apologies

There were no apologies submitted to the meeting.

2. Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest

There were no Conflicts of Interest submitted to the meeting.

3. Environmental Sustainability Reports

3.1 KP13/436 - 576 - 578 Heatherton Road Clayton South

It is recorded that Silvana Anthony spoke on behalf of the Objectors in relation to this item.

It is recorded that Sharju Simon spoke on behalf of the Applicant in relation to this item.

Cr Tamsin Bearsley left the meeting at 7:14 PM.

Cr Tamsin Bearsley returned to the meeting at 7:15 PM.

Moved: Cr Brownlees

Seconded: Cr Bearsley

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to develop and use the land for a place of worship and associated car parking and display two (2) business identification signs at No. 576 – 578 Heatherton Road Clayton South, subject to the following conditions:

1. Before the use and development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 19th November, 2013, but modified to show:
 - a. the provision of an improved landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site;
 - ii. the delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
 - iii. all existing trees on the site and close to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
 - iv. a range of plant types from ground covers to large shrubs and trees, species must comprise a minimum of 80% indigenous species;
 - v. the planting schedule to include a broader indigenous plant palette;
 - vi. the provision of varies plant species within the landscape beds surrounding the car parking areas, provided in an informal pattern;
 - vii. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - viii. the provision of nine (9) suitable medium sized (at maturity) indigenous canopy trees within the front landscape buffer and an additional four (4) suitable medium sized (at maturity) indigenous canopy trees appropriately located within the site, with species chosen to be approved by the Responsible Authority;
 - ix. all trees provided at a minimum of 2 metres in height at time of planting;

- x. medium to large shrubs to be provided at a minimum pot size of 200mm;
- xi. the provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
- b. the central lawn area to the north of the church to include a range of indigenous plant types;
- c. the provision of water sensitive urban design treatments within the landscaped areas around the car park areas, with these areas to have consideration of the planting requirements of condition 1a;
- d. the provision of a STORM report, with the size of the water tanks increased in accordance with the recommendations of the STORM report;
- e. the sign at the sites frontage reduced to a maximum height of 2.2m with the dimensions of the sign reduced to 1.2m by 1.2m;
- f. the colour of the sign located at the front of the site amended to respect the landscape character of the green wedge;
- g. a signage plan, detailing the sign located along the north elevation of the chapel, with the sign limited to the text shown and a 500mm setback from the east and west edge of the porch / vestibule façade, with the advertising area not increased;
- h. materials and finishes schedule for the existing dwelling;
- i. the height of the chapel reduced to 8.0m to the top of the ridgeline;
- j. a notation stating that “all vehicle crossings must constructed at a 90 degree alignment with the kerb on Heatherton Road and the internal driveway must align with the vehicle crossing”;
- k. a 2.5 metre wide dark brown shared user path constructed across the frontage, replacing the existing path, in accordance with the requirements at Condition 9 of this permit;
- l. details of any maintenance to be undertaken to the external facades and finishes of the existing dwelling;
- m. provision of a fence elevation, detailing the height, materials and spacing of the metal pickets;
- n. the paving nominated on the plan nominated as being permeable; and
- o. the commitments nominated within the ESD report shown on the plan, including the location of services and notations.

Endorsed Plans

- 2. The development and use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. No more than one-hundred and fifty (150) patrons may be on the site.

Stormwater Management

4. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse and a detention system.
5. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
6. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
7. Stormwater outflow from the development to the Council drainage system must be limited to the predevelopment level of outflow of the site.

Road Engineering

8. Prior to the commencement of development, property boundary, footpath and vehicle crossing levels must be obtained from Council's Roads and Drains Department with all levels raised or lowered to the satisfaction of the Responsible Authority.
9. A 2.5m wide dark brown shared used path must be constructed across the site's frontage, in accordance with the requirements of and to the satisfaction of the Responsible Authority.
10. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
11. All reinstatements and vehicle crossings must be constructed to the satisfaction of the relevant authority.
12. Any vehicle crossings and other reinstatements must be constructed to council's industrial strength specifications.
13. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
14. All front and side fences must be contained wholly within the title property boundaries of the subject land.
15. Prior to the commencement of works, a plans must be submitted to and approved by the Responsible Authority detailing the construction, drainage and on-going maintenance details for the gravel car park. The plan must include details of the marking of the car parking spaces and details regarding the responsibility for the ongoing maintenance of the car park area.

Vic Roads Conditions

16. Before the development starts, amended plans must be submitted to and approved by VicRoads and the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted to Council on 19 July 2013 but modified to show:
 - a. The removal of the eastern access and the area reinstated (including kerb and channel).
 - b. The western access widened at least 6m wide at the property boundary, and sealed for at least the first 12m within the property boundary.
17. Before the commencement of the permitted use, access in accordance with the approved plan must be constructed and the eastern access is closed to the satisfaction of the Responsible Authority.
18. If any traffic noise attenuation measures are required to protect the amenity of the building and its occupants it must be provided by the permit holder at no cost to VicRoads.

Public Works

19. Prior to the occupation of any part of the development approved under this Planning Permit, or prior to the issue of a Statement of Compliance for the subject site, the applicant / owner of the land must either, construct the shared user path located along the Heatherton Road Street frontage of the in accordance with Condition 1m), to the Responsible Authority's satisfaction and at the developer's cost (including paving), or pay an amount to the Responsible Authority towards the construction of the shared user path located along Heatherton Road Street frontage of the site. The amount payable towards this construction is to be determined in consultation with the Responsible Authority.

Signage Conditions

20. Signs must not be illuminated internally or by external lights.
21. The location and details of the signs as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
22. Any existing advertising sign on the land must be removed prior to the commencement of the use or development authorised by this permit.
23. Once the erection of the sign(s) has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
24. The signs shown on the endorsed plans must be constructed to the satisfaction of the Responsible Authority and must be maintained to the satisfaction of the Responsible Authority.
25. This part of the permit that relates to advertising signs) expires fifteen (15) years from the date of permit issue.

Prior to Occupation

26. Prior to the occupation of the development hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.

27. Prior to the occupation of the development hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
28. Prior to the occupation of the development hereby permitted, all boundary fences must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner.
29. Prior to the occupation of the development hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
 - a. Constructed to the satisfaction of the Responsible Authority.
 - b. Properly formed to such levels that they can be used in accordance with the plans.
 - c. Drained and maintained to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.

Traffic Management

30. The developer/owner must contact the Responsible Authority and VicRoads and arrange traffic management plans and **WORKS ZONE** for any works that may affect traffic (both vehicular and pedestrian) or parking in Heatherton Road or any of the surrounding streets. Works vehicles will not be able to stop in the street fronting the property if they cannot provide at least 3 metres clearance for other vehicles to pass or if parking restrictions already apply. The developer will be responsible for the costs of arranging a WORKS ZONE and reinstatement of parking restriction signs, to the satisfaction of the Responsible Authority.
31. Any existing vehicular crossing not in accordance with the endorsed plan must be removed and the kerb reinstated in a manner satisfactory to the Responsible Authority and any proposed vehicular crossing must be fully constructed to the Responsible Authority's standard specification.

Completion of Development

32. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Permit Expiry

33. In accordance with Section 68 of the Planning and Environment Act 1987 (**The Act**), this permit will expire if one of the following circumstances applies:
 - The development is not started before within (2) years from the date of this permit.
 - The development is not completed within four (4) years from the date of permit issue.

In accordance with Section 69 of The Act, the responsible authority may extend the periods referred to if a request is made in writing:

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- before the permit expires; or
- within six (6) months after the permit expiry date, where the use or development allowed by the permit has not yet started; or
- within twelve (12) months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

Note: Prior to the commencement of the development you are required to obtain the necessary Building Permit.

Note: The applicant/owner must provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.

Note: Before removing / pruning any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's Vegetation Management Officer to verify if a Local Laws Permits is required for the removal of such vegetation.

Amendment

It was requested by the Mover of the Amendment that each part of the Amendment be voted on separately, which was agreed to by the Chairperson.

Moved: Cr West

Seconded: Cr Barth

That the officer recommendation be adopted subject to the following the additional conditions:

- The Church will allow public access across the land in association with the chain of parks.

LOST

A Division was Called:

DIVISION:

FOR: Crs Staikos, West, Eden and Barth (4)

AGAINST: Crs Ronke, Brownlees, Peulich, Bearsley and Gledhill (5)

LOST

- The Church will plant a screen of tall trees across the front of the adjacent factory.

CARRIED

A Division was Called:

DIVISION:

FOR: Crs Peulich, Staikos, West, Eden and Barth (5)

AGAINST: Crs Ronke, Brownlees, Bearsley and Gledhill (4)

CARRIED

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- The Church will seek advice regarding appropriate indigenous varieties of plantings on the site.

CARRIED

A Division was Called:

DIVISION:

FOR: Crs J Ronke, R Brownlees, P Peulich, R West and G Gledhill (5)

AGAINST: Crs S Staikos, T Bearsley and T Barth (3)

ABSTAINED: Cr Eden (1)

CARRIED

Those parts of the Amendment as Carried became the Motion

The Motion was put and **CARRIED**

The Motion now reads as follows:

That the officer recommendation be adopted subject to the following additional conditions:

- The Church will plant a screen of tall trees across the front of the adjacent factory.
- The Church will plant a screen of tall trees across the front of the adjacent factory.

CARRIED

3.2 Green Wedge Planning Scheme Amendment Update

Moved: Cr Bearsley

Seconded: Cr Brownlees

That considering Council's 2012 policy position as per page 151 of the Kingston Green Wedge Plan that:

1. Agriculture in its current form is unviable and it is unreasonable for Council to impose consolidation of land parcels (page 151). Further Council seeks an investigation into niche agriculture (page 151) including the economics that underpin such a use. Council deems niche agriculture in its current form (hot houses) as an undesirable end use given the negative impact on private open space which is in conflict with the objectives of the adopted Green Wedge Plan; and
2. That Council seeks to establish a transition plan from unviable agriculture to a sustainable end use which allows and facilitates:
 - 2.1. An improvement of private and public open space amenity
 - 2.2. An increase in public open space both those earmarked for acquisition

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(Chain of Parks) and new parks, environmental assets and regional sporting facilities.

Further that an action plan be developed in consultation with stakeholders to deliver these end uses and is not limited to a Green Wedge Zone.

3. That Council works to minimise land use conflict in the delivery of the above.
4. That Council commence the preparation of a Planning Scheme Amendment to amend the Kingston Planning Scheme to:
 - 4.1. Introduce the Green Wedge A Zone with a minimum subdivision of 40 hectares in the schedule to the zone over the land presently located in the area covered by the Special Use Zone Schedule 2 north of Kingston and Heatherton Roads
 - 4.2. Introduce the Rural Living Zone and seek to include a minimum subdivision of 2000sqm in the schedule to the zone over the following:
 - land presently located in the Green Wedge Zone between Kingston and Heatherton Roads and Lower Dandenong Road
 - land located on the eastern side of Tootal Road, Dingley Village and outside the Urban Growth Boundary
 - 4.3. Introduce and/or modify, as appropriate, any Overlays which exist or are required in the Kingston Planning Scheme to give effect to the Amendment and prepare any necessary revisions to Local Planning Policy.
5. That Council continue to action Item 13.1 of Council of the 16th December, 2013 which may involve seeking advice from the Department of Transport, Planning and Local Infrastructure in relation to whether it would be necessary to modify the Urban Growth Boundary to achieve the intent of the resolution.
6. That Council obtain any necessary legal advice required in relation to the preparation of the Planning Scheme Amendment.
7. That Council engage with Planisphere and the Department of Transport, Planning and Local Infrastructure in relation to the form and content of a Planning Scheme Amendment.
8. That Council engage with landowners as required in the formulation of a Planning Scheme Amendment as it relates to matters associated with appropriate infrastructure provision and associated contributions as required.
9. That upon completion of items 4 to 9 of this resolution, a report be brought back to Council for a decision on the form of a Planning Scheme Amendment and a decision on whether to seek authorisation from the Minister to exhibit the amendment.

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Procedural Motion

Moved: Cr Ronke

Seconded: Cr Brownlees

That Standing Orders be suspended for five minutes.

CARRIED

Procedural Motion

Moved: Cr Brownlees

Seconded: Cr Ronke

That Standing Orders be resumed.

CARRIED

Amendment

Moved: Cr Staikos

Seconded: Cr West

That Council:

1. Engage with Planisphere, the Department of Transport, Planning and Local Infrastructure and obtain legal advice in relation to the form and content of a Planning Scheme Amendment which seeks to implement the Kingston Green Wedge Plan and subsequent resolutions. A report by Officers then be presented to the Council subject to the following points 1.1, 1.2 & 1.3:
 - 1.1 Delete any proposal or reference to rezoning the McMahan's Farm land to a residential zone: (327 Governor Road Braeside);
 - 1.2 Delete any proposal or reference to rezoning the Mentone Grammar School Playing Fields in Springvale Road to a residential zone;
 - 1.3 Delete any proposal or reference to rezoning the rest of the Springvale Road strip of properties from 732 to 928 Springvale Road (even numbers) to a residential zone.
2. Engage with landowners whose land was the subject of the resolution of the Council on 16 December, 2013 (Item 13.1) to establish a process for identifying where appropriate infrastructure provision and associated contributions are required. A report by Officers then be presented to the Council.
3. Following the work above, a report be brought back to the Council for a decision on the form of a Planning Scheme Amendment and a decision on whether to seek authorisation from the Minister to exhibit the amendment.

LOST

A Division was Called:

DIVISION:

FOR: Crs Staikos, West, Eden and Barth (4)

AGAINST: Crs Ronke, Brownlees, Bearsley, Gledhill and Peulich (5)

LOST

Amendment

Moved: Cr West

Seconded: Cr Staikos

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1. That point 8 be deleted from the motion.
2. That a replacement point 8 be included, which reads 'Ask the Planning Minister Matthew Guy for permission to prepare a Planning Scheme Amendment.'

LOST

A Division was Called:

DIVISION:

FOR: Crs Staikos, West, Eden and Barth (4)

AGAINST: Crs Ronke, Brownlees, Bearsley, Gledhill and Peulich (5)

LOST

Procedural Motion

Moved: Cr Ronke

Seconded: Cr Gledhill

That the Substantive Motion now be put.

LOST

A Division was Called:

DIVISION:

FOR: Crs Ronke, Brownlees, Gledhill and Barth (4)

AGAINST: Crs Staikos, West, Bearsley, Eden and Peulich (5)

LOST

Following the Procedural Motion being Lost, debate continued.

The Substantive Motion was **CARRIED**

A Division was Called:

DIVISION:

FOR: Crs Ronke, Brownlees, Bearsley, Gledhill and Peulich (5)

AGAINST: Crs Staikos, West, Eden and Barth (4)

CARRIED

4. Confidential Items

There were no confidential items considered.

The meeting closed at 8.55pm.

Confirmed.....

The Mayor 24 March 2014